



Attorney Docket No. 0280291

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

UEMURA et al

Confirmation No.: 2254

Appln. No.: 09/845,336

Group Art Unit: 2818

Filed: May 1, 2001

Examiner: Huynh, A.

Title: GROUP III NITRIDE COMPOUND SEMICONDUCTOR  
LIGHT-EMITTING DEVICE

\* \* \* \* \*

**DECLARATION  
UNDER 37 C.F.R. § 1.132**RECEIVED  
MAY - 1 2002  
TECHNOLOGY CENTER 2800

1. I, Toshiya Uemura, one of the inventors of the subject matter of the above-entitled patent application, whose business address is TOYODA GOSEI CO, LTD., 1 Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi, Japan, make this Declaration in support of the patentability of the claims (and, accordingly, the subject matter) of the above-entitled patent application. I have been authorized by my co-inventor to speak on behalf of all of us and to present the information set forth below.

2. I have read and am familiar with the Office Action of January 31, 2002, where the Examiner rejected the claims for the above-entitled patent application. I have also read and am familiar with the above-entitled patent application, particularly Fig. 4B and the related description, that have been applied against the claims, either directly or indirectly. For these reasons, I am familiar with the rejections set forth in the January 31<sup>st</sup> Office Action.

3. In support of the patentability of claims 1 and 2, I present the following additional information to establish the fact that the subject matter of Figure 4B does not constitute prior art to the present application.

4. The phrase "background art" was used once within the Specification of the present application on page 21, line 25 and was used twice within the Specification of the present application on page 22, lines 1 and 6 to describe an in-house technology of Toyoda Gosei that was illustrated in Figure 4B.

5. Our intent in including the description of the group III nitride compound semiconductor light-emitting device of Figure 4B was to provide an explanation and representation of in-house technology which was known and used only within Toyoda Gosei.

6. The present invention, as depicted and described in Figure 4A, represents an improvement over the previous, non-publicly disclosed in-house technology of Figure 4B. Therefore, the conventional in-house technology of Figure 4B does not constitute prior art under 35 U.S.C. §102.

7. Because Figure 4B includes only subject matter that was in-house technology for Toyoda Gosei, it is my understanding that it would be improper and unnecessary to include a "prior art" label in the legend.

I hereby declare that all statements made herein are true and of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any issuing thereon.

Toshiya Uemura  
Signature

Apr. 22, 2002  
Date

Typewritten Name: Toshiya Uemura  
(of person signing)